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Margaret Hoffman, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 17, 2003

RECEIVED  
JUN 23 2003  
COUNTY ENGINEER

Mr. Guillermo Nieri  
Comal Independent School District  
278 Loop 337  
New Braunfels, TX, 78130

Re: Edwards Aquifer, Comal County  
NAME OF PROJECT: Comal ISD - Hoffman Lane Elementary School; Located on the northeast side of FM 306 at Hoffman Lane; New Braunfels, Texas  
TYPE OF PLAN: Request for Modification of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer  
Edwards Aquifer Protection Program File No. 1455.00

Dear Mr. Nieri:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the request for modification of the approved WPAP for the referenced project submitted to the San Antonio Regional Office by Harold L. Millegan, P.E. of Lockwood, Andrews, & Newnam, Inc. on behalf of Comal Independent School District on February 21, 2003. Final review of the WPAP submittal was completed after additional material was received on June 18, 2003. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed, and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer protection plan. A motion for reconsideration must be filed no later than 20 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

This facility was previously approved by letter dated April 26, 2000. As presented, the proposed modification will consist of the following changes:

1. The basin liner will be reinforced concrete rip-rap instead of clay.
2. The sedimentation basin dimensions have been altered. The storage volume for the basin is 23,116 cubic feet.
3. A maintenance access ramp, drainpipes, and gate valves were added to the sand filtration basin.

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210/490-3096 • FAX 210/545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)

4. The weir/emergency spillway has been downsized and moved, and the inflow structure from the underground storm drain system has been modified.
5. The vegetated filter strip for the north access road (Drainage Area 3) and the water storage facility has been resized.
6. The percent impervious cover of the site was changed from 27.98% to 28.80%.
7. Wastewater will be disposed of by an on-site sewage facility with a drip irrigation disposal system instead of a new wastewater treatment plant. According to Comal County Permit Number 81995 issued March 21, 2001, by the office of the Comal County Engineer, the site is acceptable for the use of on-site sewage facilities.
8. Nine weep holes located below the sand filter in the filtration chamber will be plugged to make a watertight seal.

#### PERMANENT POLLUTION ABATEMENT MEASURES

A full sedimentation/filtration basin and two vegetated filter strips designed using the TNRCC technical guidance document, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (June 1999) will be constructed to treat storm water runoff. The basin treating Drainage Area 1 is designed to provide treatment for 10.83 acres of the site with a minimum capture volume of 23,116 cubic feet and a minimum sand filter area of 2,238 square feet. The Drainage Area 2 vegetated filter strip of 4,350 square feet is designed to provide treatment for 0.2 acres of impervious cover. The Drainage Area 3 vegetated filter strip of 10,800 square feet is designed to provide treatment for 0.496 acres of impervious cover. The approved measures have been presented to meet the required 80 percent removal of the increased load in total suspended solids caused by the project.

#### SPECIAL CONDITIONS

- I. All sediment and or media removed from the partial sedimentation/filtration basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335 as applicable.
- II. Please note that for full sedimentation/filtration basins, the Technical Guidance Manual on Best Management Practices (1999 edition), suggests using the valve in Section 3.4.7 and Figure 3.14 for the purpose of isolating the sedimentation basin in case of a hazardous material spill in the watershed.

#### STANDARD CONDITIONS

1. Pursuant to §26.136 of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

#### Prior to Commencement of Construction:

2. Within 60 days of receiving written approval of an Edwards Aquifer protection plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed

records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries, covered by the Edwards Aquifer protection plan, shall be included in the deed recordation in the county deed records. A suggested form (Deed Recordation Affidavit, TCEQ-0625) that you may use to deed record the approved WPAP is enclosed.

3. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
4. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
5. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and file number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension of an approved plan.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.
7. Abandoned injection wells must be closed under the requirements of 30 TAC Chapter 331 (relating to Underground Injection Control).
8. All borings with depths greater than or equal to 20 feet must be plugged with a non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

9. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.

10. If any sensitive feature is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the San Antonio Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.
11. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.
12. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50%. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
13. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
14. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
15. To the maximum extent practicable, BMPs and measures must maintain flow to naturally-occurring sensitive features identified in either the geologic assessment, executive director review, or during excavation, blasting, or construction. The temporary sealing of a naturally-occurring sensitive feature which accepts recharge to the Edwards Aquifer as a temporary pollution abatement measure during active construction should be avoided. A request to temporarily seal the feature must include a justification that no reasonable and practicable alternative exists. The request will be evaluated by the executive director on a case-by-case basis.

After Completion of Construction:

16. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
17. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations

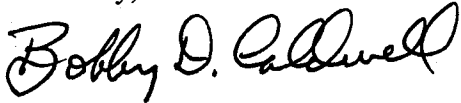
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in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

18. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
19. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50% of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
20. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

If you have any questions or require additional information, please contact Lynn M. Bumgardner of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4023.

Sincerely,



*for* Margaret Hoffman  
Executive Director  
Texas Commission on Environmental Quality

MH/LMB/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625  
Change in Responsibility for Maintenance or Permanent BMPs-Form TCEQ-10263

cc: Mr. Philip Johnson, Lockwood, Andrews & Newnam, Inc.  
Mr. John Bohuslav, TXDOT San Antonio District  
Mr. Tom Hornseth, Comal County  
Mr. Greg Ellis, Edwards Aquifer Authority  
TCEQ Central Records, Building F, MC 212